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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,372	04/19/2004	John J. Accornero		4907

7590

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EXAMINER

LOVELL, LEAH S

ART UNIT PAPER NUMBER

2875

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/828,372

Applicant(s)

ACCORNERO, JOHN J.

Examiner

Leah S. Lovell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/19/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (US 5,057,980) in view of Wenthe et al (US 3,334,542) and Lewis (US 4,352,151). The devices shown in Russell are viewed as being rotated 180 degrees as to what is indicated in the drawings for usage as a source of indirect lighting. In regard to claim 1, Russell teaches a corner mounted indirect lighting fixture comprising: a mounting bracket [103] adapted to be installed at a right angle junction between two vertical walls, said mounting bracket [103] having an engaging edge [104, 105]; a fixture housing [10] having an internal chamber [shown in figure 2], said fixture housing [10] having an exterior surface, a hook [121, 122] to mount on said exterior surface, said hook [121,122] to engage with said engaging edge [104,105] to supportably secure said fixture housing [10] to said mounting bracket [103], said fixture housing [10] having a top edge and bottom edge [both shown in figure 1], said top edge being open [shown in figure 2]; a lamp [25] mounted to said fixture housing [10], said lamp [25] having a glass bulb [not shown, but indicated in column 3, line 32], said lamp [25] extending outwardly [shown in figures 13 and 14] from said mounting bracket [103]; a shade [11] attached to said fixture housing. Russell lacks both a light diffusing plate mounted at

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the bottom edge and a specification that said shade [11] is translucent to emit a soft appearing glow from said lamp [25]. Russell does provide indication that said shade [11] is a decorative shade [column 3, lines 6-7]. Lewis teaches a corner mounted lighting fixture that has a transparent shade. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Russell's fixture housing with a transparent shade to allow a bit of light to pass through the front of the fixture housing. Referring to said light diffusing plate, Wenthe teaches a light diffuser that is "for the purpose of reducing excessive illumination" [column 1, lines 13-14]. Wenthe states that the diffuser can be used in a "situation where it is desired to selectively control the intensity...of illumination of an...area from an artificial source" [column 1, lines 27-29]. It would have been obvious to one of ordinary skill at the time of the invention to add Wenthe's diffuser to the fixture of Russell to reduce the light viewed from the bottom.

Regarding claim 2, Russell generally teaches the fixture housing [10]; however, the teaching is lacking the specification of a sheet material. Within the Russell teaching, it states "the front panel can be joined to the side edges of the rear panel either by spot welding or riveting or in any other suitable manner" [column 3, lines 7-10]. Sheet metal is a common, inexpensive material for a fixture housing. It would have been obvious to one skilled in the art at the time of the invention to use a sheet material for the fixture of Russell.

In regard to claim 3, Russell teaches a fixture housing [10] having side walls [12] vertically oriented so each said sidewall is to abut flush against a vertical wall of the two

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vertical walls on which the mounting bracket is adapted to be installed [shown in figure 2].

In regard to claim 4, Russell teaches each of said sidewalls [12] having a free edge defining a pair of free edges being parallel [shown in figure 8].

Regarding claim 5, Russell teaches in figures 13 and 14 a lamp [25] being mounted at an inclined angle to locate said glass bulb near said top edge permitting maximum usage of the light emitted from said lamp that is emitted from top edge.

In regard to claim 6, Russell teaches a corner mounted indirect lighting fixture. As mentioned above, Russell lacks the light diffusing plate that is provided by Wenthe. Wenthe states, "the plate [11] [is] preferably formed of a light impervious material to prevent the passage of light" [column2, lines 11-13] that is perforated to form a screen. It is known to one of ordinary skill that the color white reflects all light; as a result, the efficiency of a diffuser colored white would be greater than that of another color. Therefore, it would have been obvious to one of ordinary skill of the art at the time of the invention that Wenthe teaches a diffusing plate comprising a screen constructed of polished metal or painted white.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leah S. Lovell whose telephone number is (571) 272-2719. The examiner can normally be reached on Monday through Friday 7:45 a.m. until 4:15 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leah S Lovell  
Examiner  
15 August 2005

  
RENEE LUEBKE  
PRIMARY EXAMINER